

## REMARKS—General

### The Objection to the Specification

The abstract of the disclosure was objected to because of legal phraseology (eg. "said" in lines 3,4 and 5"). Applicant has agreed to this objection and has deleted "said" from the abstract.

Examiner has noted that "shield (28)" is incorrectly numbered on page 4, lines 20 and 21. Applicant has agreed to this objection and has changed "shield (28)" to "shield (22)".

### Claims Rejection Under 35 USC §102 and 35 USC §103

Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being unpatentable over Deck et al (USP 3,369,269). Claims 9-11 are rejected under 35 U.S.C. 102(b) in view of Whalen (USP 2,907,061). Prior to discussing the claims, applicant will first discuss the references and the general novelty of the present invention and its unobviousness over the references.

Deck et al. combine a handle and roller with a shield, but this invention has a fatal flaw in that the handle is free to rotate about the roller and since the brush and shield are attached to the handle, they, too, are free to rotate about the roller. This provides an unstable base for the brush and causes uneven painting of edges. The present invention is contrary to the teachings of Deck et al. by keeping the brush, shield and roller in fixed positions relative to a wall throughout the edging operation, thereby providing a stable base from which the brush can paint.

Whalen incorporates a pair of brushes into a paint-edging device, but it fails to control the amount of flex in the brushes. This is a crucial failing since the amount of flex in the brush will vary depending on the amount of pressure applied by a user and since the amount of brush flex directly impacts how close the brush will get to the edge of the wall. The more the brush flexes, the further the brush will protrude away from the shield and the closer it gets to the edge. In operation, this means that without an adequate brush control means the apparatus will either paint too close or not close enough to the edge

of the wall. There is no positive stop limiting the flex of the brush. Whalen is aware of the problem of brush control and has adopted an inferior method of control by incorporating two brushes in the invention. It is important to note that this design by necessity has to use two brushes, one on either side of the pivot point (62), in order to counter balance each other. Without one of the brushes, downward pressure exerted on the other brush would vary dramatically depending on the user and position of the user's hand, causing considerable variance in the brush's flex. This indicates that the current invention's solution to the brush control problem is unobvious since the prior-art invention chooses a more expensive and less precise brush control means. The applicant's invention eliminates a costly brush of Whalen's invention and more precisely controls the flex in the brush by means of a bottom edge of a shield, which contacts the wall on both sides of the brush and thereby controls the amount that the brush can flex. This brush control means is crucial to painting precisely up to the edge of the wall since even slight variations of flex in the brush will result in poor edging ability.

There is nothing in the prior-art references that suggests that a person of ordinary skill in the art would find it obvious to first create a fixed, non-pivoting platform for a brush in order to provide stability and then to add a limiting stop for the brush flex for even more control of the painted edge.

Applicant has amended claim 9 in order to more clearly distinguish the current invention from the prior art.

Claims 13 - 15 are rejected as being unpatentable over Whalen (USP 2,907,061) in view of Batanjski (USP 5,386,610). Applicant agrees and deletes these claims.

## Conclusion

For all the reasons given above, applicant respectfully submits that the errors in the specification are corrected, the claims define over the prior art under Section 102, and the claimed distinctions are of patentable merit under Section 103 because of the new results of a more stable shield and roller platform which provides improved brush control. Accordingly, applicant submits that this application is now in full condition for allowance, which action applicant respectfully solicits. If the Examiner does not feel that the present

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claims are technically adequate, applicant respectfully requests that the Examiner write acceptable claims pursuant to MPEP 707.07(j).

Very respectfully,

A handwritten signature in black ink, appearing to read "Chris Pyles", is written over a horizontal line.

Christopher M. Pyles

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**Certificate of Facsimile Transmission**

I certify that on the date below I will fax this communication, and attachments if any, to the Patent and Trademark Office at the following number: (571) 273-8300.

Date: January 23, 2007

Inventor's signature: \_\_\_\_\_

